Emergency Measures Regulations – Law Enforcement

- **Invoking the *Emergencies Act* was a difficult, but necessary decision made in the best interest of Canada and Canadians.**

- **It reflects the severity and length of these unlawful blockades – including over three weeks in Ottawa, and six days in Windsor with the blockade of the Ambassador Bridge – and reflects our collective concern about illegal occupations and non-peaceful protests across the country.**

- **The Emergency Measures Regulations invoked under the *Emergencies Act* are national in scope but apply specifically to addressing non-peaceful protests and illegal blockades. All law enforcement agencies, including the RCMP, now have additional tools to do their job, and address non-peaceful protests and illegal blockades that may breach the peace, like the ones observed in Ottawa, Windsor, Emerson, and Coutts.**

- **These measures do not remove the authorities of police of local jurisdiction.**

- **These measures are temporary and exceptional and are meant to supplement other measures that are available to law enforcement. These measures will allow law enforcement to effectively address unlawful public assemblies, prevent adults from bringing children to these areas, turn away people who wish to travel to these assemblies, and stop those who would provide support for lawful assemblies, such as diesel for illegally idling trucks that are creating a blockade.**

- **As well, I have the authority to designate new protected sites, or 'no-go' zones, which I will do based on operational need. There are also new powers**

to require people to provide essential goods and/or services for the removal, towing and storage of vehicles and equipment that are part of an unlawful blockade.

- **The Commissioner of the RCMP has delegated these powers to key members of her team across the country, as well the OPP Commissioner who can designate OPP police officers to use these requisition powers on his behalf. These powers have been used to secure needed equipment to clear the streets in Ottawa.**

- **Our goal is to bring a safe end to these illegal blockades and occupations and see order restored as soon as possible to ensure the safety of Canadians and an end to the economic disruptions.**

IF PRESSED ON ACTIONS TAKEN AS A RESULT OF THE ORDER:

- **We all saw the vivid images of police action in Ottawa over the weekend. The measures provided for under the *Emergencies Act* have helped police to maintain the perimeter, restrict travel and ensure that they continue to restrict financial support and other assistance to protesters. Using all authorities available to law enforcement, as of February 19th there have been close to 200 arrests, 389 charges laid and a total of 76 vehicles towed.**

- **We do know that the *Emergencies Act* was and is still being used to bring about the peaceful conclusion of the illegal blockades, and to deter unlawful actions and encourage peaceful protests.**

IF PRESSED ON WHY OTTAWA WAS NOT DESIGNATED A SECURE ZONE:

- **A designation was not required in Ottawa because the assembly was already unlawful. As a result, the police were able to establish a perimeter relying on the Emergencies Measures Regulations and other existing legal authorities to secure and maintain control of the area.**

- **I am prepared to designate 'no go' zones – if it is needed for the police to effectively carry about their duties and maintain public safety.**

IF PRESSED ON INFRINGING ON PROVINCIAL JURISDICTION:

- **While these measure apply nationally, they are not meant to infringe on provincial jurisdiction over administration of justice and policing. Police of local jurisdiction remain in command of police operations and can use the measures under the *Emergencies Act* if and when needed.**

IF PRESSED ON WHAT ISSUES ARE BEING ADDRESSED BY THE EMERGENCY MEASURES REGULATIONS:

- **The measures contained within the Emergency Measures Regulations supplement existing authorities and provide new tools for law enforcement to address unlawful blockades.**

- **Police now have the ability to compel individuals and companies to provide the essential goods and services requested for the removal, towing and storage of any vehicles, equipment, structure or other object that is part of a blockade, with reasonable compensation.**

- **The police are also able to designate secure areas to support their operations, and refuse people travelling to illegal protest with the intention of participating.**

- **Bringing a minor to participate in such an assembly is a new prohibition, as is entering Canada with the intent to participate in such an assembly.**

- **Supporting an illegal assembly is also prohibited, and police now have the authority to enforce the prohibition by, for example, turning away people who are bringing in food, blankets, shelter materials to an area of an unlawful assembly.**

Background:

Peaceful assembly is a right under the *Canadian Charter of Rights and Freedoms.* However, the protest activities seen across Canada related to the Freedom Convoy 2022 have exceeded the definition of peaceful assembly, resulting in illegal blockades, disruptions to people's lives and the movement of goods, and the occupation of Ottawa. This has created a critical, unique, and urgent but temporary situation that is national in scope, which cannot be effectively dealt with under existing laws of Canada. The length of time of these illegal blockades and disruptions – 21 days for Ottawa, 6 days for the blockade of the Ambassador Bridge, and 18 days for the blockage of the Coutts, Alberta border crossing – have created significant adverse effects on the Canadian economy and individual liberties of citizens, at a time when the country is recovering from the impact of the global pandemic. Illegal protests and blockades are impacting businesses, manufactures, and critical supply chains have been disrupted, hurting many Canadians, including workers who rely on these jobs. While progress has been made to shut down these illegal activities, the situation persists and remains concerning, volatile and unpredictable.

Existing Tools Available to Address Blockades and Illegal Protests

Prior to invoking the Emergencies Act on February 14, 2022, law enforcement had certain tools available to them in addressing the illegal protests and blockades. These tools included recourse pursuant to the Criminal Code as well as provincial and municipal statutes to address the traffic and noise violations. However, despite the existing tools, the situation was rapidly evolving and escalated to the point where the Ottawa police needed the assistance of the province and Canada. The new measures that were introduced have closed the gaps that prevented law enforcement from effectively addressing this public order emergency and provided them the measures needed to resolve it. These new measures build on existing tools, including strengthening the ability to impose fines or imprisonment, and allow the government to secure and protect critical infrastructure , including border crossings and airports. The new measures also provide additional resources to local law enforcement by enabling the RCMP to enforce provincial bylaws where requested.

Despite these existing tools, the situation rapidly evolved and escalated to a point where local law enforcement agencies, including for example the Ottawa Police Service, required additional assistance to address the unique situation of the illegal blockades. The new measures that were introduced through the *Emergencies Act* have provided new tools to help law enforcement effectively address this unprecedented public order emergency. These new measures are additional to existing tools, and are aimed at prohibiting non-peaceful public assembly in order to prevent the interruption of movement of people, goods, or trade. It also aims at preventing the interference with critical infrastructure, or promoting violence against a person or property. The measures strengthen the ability to impose fines or imprisonment, and to secure and protect critical infrastructure, including border crossings and airports. The new measures also provide additional resources to local law enforcement by enabling the RCMP to enforce provincial and municipal bylaws where requested.

Emergency Measures Regulations (EMR)

The goal of law enforcement is always to maintain public order and keep citizens safe. The Emergency Measures Regulations, made under subsection 19(1) of the *Emergencies Act*,

came into force on February 15, 2022 and respond to the unique challenges associate with the current unlawful blockades, which are unprecedented in their scope and nature. Measures contained within the EMR are temporary and proportionate to the situation, and are aimed at ensuring the safety of Canadians during this national emergency, including:

- Prohibiting public assemblies that may reasonably be expected to lead to a breach of the peace;
- Prohibiting the use of property to facilitate or participate in such assemblies;
- Designating and securing protected places;
- Directing persons to render essential goods and services to remove, tow and store vehicles and other items that are part of a blockade, with compensation;
- Prohibiting the use, collection, or provision of property in support of an unlawful assembly – e.g., diesel for illegally idling trucks creating a blockade.
- Authorizing or directing financial institutions to render essential services to relieve impact of blockades, including regulating and prohibiting the use of property to fund or support the blockades, and compelling banks to freeze bank accounts reasonably suspected to have contributed to the public order emergency;
- The imposition of fines, imprisonment, or both, for failure to comply with regulations made under section 19 of the *Emergencies Act* or a lawful order made under them (e.g. direction to provide essential goods and services).

The EMRs create five prohibitions:

- Participating in a public assembly that may reasonably be expected to lead to a breach of the peace, i.e. serious disruption of movement of persons, goods, serious interference with trade, interference with the functioning of critical infrastructure, acts or threats of serious violence against persons or property;
- Causing a minor to participate in or travel near such an assembly (in other words, preventing adults from bringing children to these areas);
- Entering Canada with the intent to participate in or facilitate such an assembly;
- Travelling to or within such an assembly; and
- Using, collecting, providing, making available, or inviting a person to make available – whether directly or indirectly - property to facilitate or participate in such an assembly.

The intent of these measures is to supplement federal, provincial and municipal authorities to address illegal blockades and to restore public order and the rule of law, and ensure that confidence in Canada's institutions continues. These time-limited measures will be used only where needed by local law enforcement, and do not derogate provinces jurisdiction over the administration of justice and policing.

Ability to Render Goods or Services

Due to the challenges of law enforcement across jurisdictions to procure towing and wrecking services to remove unlawful blockages, the ERM provides a new authority for the Commissioner of the RMCP and the Minister of Public Safety and Emergency Preparedness or any person acting on their behalf to compel the provision of goods or services needed to remove, tow, and

store any vehicle, equipment, structure or other object that is part of a blockade. Those asked to provide services must do so promptly, and will be provided fair compensation.

The Commissioner of the RCMP has assigned this ability to appropriate RCMP members across Canada, and has also assigned the ability to the Commissioner of the Ontario Provincial Police (OPP) at their request. To date, this measure has been used, most notably in Ottawa this past weekend to remove illegal blockades in front of the Parliament Buildings and other locations.

Designation of a Protected Place

The EMRs identifies certain locations as being "designated as protected and may be secured", including critical infrastructure, Parliament Hill and the parliamentary precinct, official residences, government and defence buildings, and monuments such as the War Memorial. Further, the Minister of Public Safety may also designate addition places if required. This allows for preventative action to secure these locations to aid in law enforcement operations to address illegal assemblies and blockades. To date, law enforcement have been operating with the EMR's as they are written.

Peace Officer Authorities

Peace Officer authorities in enforcing the EMRs include:

- To secure certain designated protected places (e.g., critical infrastructure such as airports, utilities, border crossings, and government buildings); and
- Take "necessary measures" to ensure compliance with the EMRs.

Penalties under the EMRs

Contravention of the EMRs or of a lawful order by a peace officer made thereunder may be prosecuted as a summary conviction or indictable offence.

- On summary conviction, a fine not exceeding $500 or imprisonment for a term not exceeding six months, or both; or
- On indictment, a fine not exceeding $5000, or imprisonment for a term not exceeding five years, or both.

The normal provisions of the Criminal Code regarding arrest and bringing of charges apply.

Annex: Overview of Key Blockades and Illegal Protest Sites

Ottawa, Ontario

Current Status:	Enforcement ongoing as of February 17, 2022
Duration:	24 days and ongoing
Start Date:	January 28, 2022
End Date:	TBD

On February 16, after three weeks of occupation, the Ottawa Police Service (OPS) issued a warning to protesters to either leave or be arrested. On February 17, 2022, the Integrated Command Centre (ICC) comprised of RCMP, Ontario Provincial Police, OPS, and other police services commenced enforcement activities. This led to the arrest of key convoy organizers and supporters, including Chris Barber, Tamara Lich, Pat King, Daniel Bulford and Alex Vriend. On February 20, 2022, during the afternoon, Ottawa Police delivered a Trespass Notice to individuals located at Coventry Road, a staging area with extra supplies for the downtown convoy. As of the end of the day, the staging area has been cleared.

As of February 20, 2022, the Ottawa Police Service (OPS) reported over 191 arrests and 79 vehicles towed. The ICC established operational control of the NCR (core downtown and Coventry) and is in the process of disrupting the remaining protesters.

Windsor, Ontario

Current Status:	Concluded
Duration:	8 days
Start Date:	February 7, 2022
End Date:	February 14, 2022

On February 7, 2022, the Ambassador Bridge closed in both directions due to significant protest activity, disrupting all cross-border commercial traffic vital to the North American economy. On February 11, 2022, the Superior Court Chief Justice issued a temporary injunction prohibiting individuals from establishing a blockade or impeding access to the Ambassador Bridge. Windsor Police Service provided notices to demonstrators, confirming that anyone involved must immediately cease unlawful activity or otherwise, could be facing charges. On February 12, 2022, law enforcement agencies commenced enforcing the injunction and the Bridge was completely reopened on February 14th. In total, 42 individuals were arrested and 37 vehicles were removed.

Emerson, Manitoba

Current Status:	Concluded
Duration:	7 days
Start Date:	February 10, 2022
End Date:	February 16, 2022

On February 10, 2022, the Emerson port of entry (POE) was completely blocked by protest activity, disrupting cross border traffic between Canada and the US. Free movement of all

livestock transport, CBSA employees, emergency services vehicles and residential traffic from the town of Emerson continued. Through ongoing consultation and negotiation, the convoy organizers agreed to a “slow roll” departure mid-day on February 16, 2022. The Emerson POE was re-opened on February 16, 2022.

Coutts, Alberta

Current Status:	Concluded
Duration:	17 days
Start Date:	January 29, 2022
End Date:	February 15, 2022

On January 30, 2022, the Coutts POE was significantly disrupted due to ongoing protest activity. This border crossing is important for ongoing trade between Canada and the US, as it is the largest POE in Alberta and the only one operating 24 hours a day.

On February 14, 2022, the RCMP arrested 11 suspects and seized firearms and ammunition. These suspects have been charged with a variety of Criminal Code offences, including mischief over $5000 and conspiracy to commit murder. After the arrest of these key suspects, the convoy leaders reached an agreement with the RCMP recognizing that the demonstrators maintained peaceful intent and that no violence would be tolerated. As such, the border resumed operation on February 15, 2022.

Surrey, British Columbia

Current Status:	Concluded
Duration:	8 days
Start Date:	February 12, 2022
End Date:	February 19, 2022

Since February 12, 2022, the Pacific Highway border crossing has had various disruptions resulting in intermittent border closures. For instance, on February 13, 2022, the Pacific Highway redirected traffic to other POEs, while on February 15th, the border restricted access to vehicles and pedestrians. On February 19th, the border was open in the morning and closed in the afternoon due to increased protest activity. As of February 19, 2022 at 2000 hours, the border remains open as the majority of demonstrators and vehicles have departed.

Other events

Many events were planned and have taken place across the country over the last few weeks. Some were cancelled or postponed, and others materialized without violent incidents.